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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,165	08/22/2003	Robert Burnett	P1958US00	9103

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EXAMINER	
VO, HIEN XUAN	
ART UNIT	**PAPER NUMBER**
2863	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,165	BURNETT, ROBERT	
	Examiner	Art Unit	
	Hien X. Vo	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10, 12-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson et al. (U.S. Patent No. 5,596,638), Sargaison (U.S. 2006/0029234) in view of Sugimoto (U.S. Patent No. 6,897,850).

With respect to claims 1, 10, 17, 21 Paterson et al. discloses a headset for hands-free wireless telephone including an output device, for presenting a media data stream (see e.g. col. 1, lines 16-18); a communication port configured for communicatively linking with the output device (see e.g. Fig. 1, item 105); and a controller communicatively coupled to the communication port, for controlling output of the media data stream (see e.g. Fig.1, item 121), said controller configured to execute a program of instructions, wherein the program of instructions causes the controller to: detect the existence of a communicative link between the output device and the communication port (see e.g. col. 3, lines 20-25) except for teaching pause output of the media data stream to the output device after a first time period, if no communicative link exist between the output device and the communication port; and shut down operation

of an electronic device including the system after a second time period, if no communication link exists between the output and the communication port, the second time period being of a longer duration than said first time period, wherein the system minimizes the amount of energy consumed by the electronic device.

Sargaison disclose a system and method for controlling states of a device including (see e.g. paragraph 0048); and shut down operation of an electronic device including the system after a time period, if no communication link exists between the output and the communication port (see e.g. paragraph 0049), the second time period being of a longer duration than said first time period (see e.g. paragraph 0050), wherein the system minimizes the amount of energy consumed by the electronic device (see e.g. Fig. 6).

Sugimoto discloses an information processing apparatus and information output controlling method including pause output of the media data stream to the output device after a first time period, if no communicative link exist between the output device and the communication port (see e.g. col. 9, lines 3-10), shut down operation of an electronic device including the system after a second time period, if no communication link exists between the output and the communication port (see e.g. col. 9, lines 10-35 and col. 11, lines 17-40), displaying an indication of the absence of the output device within said first time period on a display included in the portable audio device, if no communication link is detected between the output device and the communication port (see e.g. Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paterson and Sargaison to have a headset detection circuit and pause output of the media data stream to the output device, displaying an indication of the absence of the output device as taught by Sugimoto in order to pause the output or shutdown the device in the period of time to control the operation of the connected headset as a result of conserving battery power.

With respect to claims 2, 5-7, 8-9, 13-16, 18, 20, Paterson et al. disclose the invention as claimed including the media data stream is an audio presentation, the output device is a pair of headphones and the communication port is a one-eighth inch mini-connector plug jack, the output device and the communication port link via a wireless connection (see e.g. abstract), the system is implemented in at least one of a compact disk player, a cassette tape player, a portable radio, and a moving pictures experts group audio layer-3 (MP3) player (see e.g. col. 1, lines 16-32), the controller is a microprocessor (see e.g. col. 3, lines 20-25).

With respect to claims 3-4, 12, 19, Paterson et al. and Sargaison disclose the invention as claimed except for teaching a display communicatively coupled to said controller, wherein said controller is additionally configured so as to indicate the absence of the output device on the display within said first time period, if no communication link is detected between the output device and the communication port, the controller is additionally configured to output the media data stream upon establishment of a communicative link between the output device and the communication port within either of said first or said second time periods.

Sugimoto disclose a system and method for controlling states of a device including a display communicatively coupled to said controller (see e.g. abstract), wherein said controller is additionally configured so as to indicate the absence of the output device on the display within said first time period, if no communication link is detected between the output device and the communication port, the controller is additionally configured to output the media data stream upon establishment of a communicative link between the output device and the communication port within either of said first or said second time periods (see e.g. col. 9, lines 10-35 and col. 11, lines 17-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paterson and Sargaison to have a display as taught by Suginoto to provide a simple and effective way to control the operation.

Applicant's arguments with respect to claims 1-10 12-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo
02/20/07

John Barlow
Supervisory Patent Examiner
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